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Department, John Kerry, James B.  
Comey, and Christopher M. Piehota<sup>1</sup>*

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

YONAS FIKRE,  <i>Plaintiff,</i>	Case 3:13-cv-00899-BR
v.  THE FEDERAL BUREAU OF INVESTIGATION, et al.,  <i>Defendants.</i>	<b>OFFICIAL-CAPACITY DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT</b>

Pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6), Defendants Federal Bureau of Investigation, Eric Holder, Department of State, John Kerry, James B. Comey, and Christopher M. Piehota submit this motion to dismiss all claims asserted against them in Plaintiff's First Amended Complaint. As grounds for this motion, Defendants submit their concurrently filed memorandum in support. Pursuant to Local Rule 7-1, the undersigned

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<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 25(d), James B. Comey may be substituted for defendant Robert S. Mueller as the current Director of the Federal Bureau of Investigation, while Christopher M. Piehota may be substituted for defendant Timothy Healy as the current Director of the Terrorist Screening Center.

conferred by telephone with counsel for Plaintiff, Tom Nelson, and counsel indicated that Plaintiff opposes the motion.

Dated: November 4, 2013.

Respectfully submitted,

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/s/ Scott Risner  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing motion was delivered to all counsel of record via the Court's ECF notification system.

/s/ Scott Risner  
SCOTT RISNER